

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

SINCO, INC.,

Plaintiff,

v.

U.S. CHICORY INC.,

Defendant.

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8:03CV315

ORDER

This matter is before the court on defendant's MOTION FOR STAY OF EXECUTION, MOTION TO SET BOND, AND MOTION TO APPROVE BOND/SECURITY OTHER THAN SUPERSEDEAS BOND (#128), filed in conjunction with defendant's Notice of Appeal (#129). Having carefully considered the motion and plaintiff's response (#136), I find that the defendant should be required to either

- fully comply with Fed. R. Civ. P. 62(d) by posting a supersedeas bond in an amount not less than \$495,438; or
- supply an irrevocable letter of credit, in substantially the form proposed by the plaintiff, in an amount not less than \$495,438 as bond and security for payment of the judgment.

IT IS ORDERED that defendant's Motion (#128) is conditionally granted, as follows:

(1) Defendant shall either

- fully comply with Fed. R. Civ. P. 62(d) by posting a supersedeas bond in an amount not less than \$495,438.00, *or*
- supply an irrevocable letter of credit, in substantially the form proposed by the plaintiff, in an amount not less than \$495,438 as bond and security for payment of the judgment,

on or before the close of business on **Tuesday, November 22, 2005.**

(2) The stay shall become effective when defendant timely complies with paragraph (1), above.

DATED November 18, 2005.

BY THE COURT:

**s/ F.A. Gossett
United States Magistrate Judge**